



Office of the Secretary
of Transportation

U.S. DEPARTMENT OF TRANSPORTATION
DOCKET OPERATIONS AND MEDIA MANAGEMENT
Washington, D.C. 20590

2002-40

**Weekly Summary of Aviation Orders and Regulations
September 30 - October 04, 2002**

Order	Docket	Summary	Date Action Taken
2002-9-21	OST-2002-12014	L.A.B. Flying Service, Inc. 90-Day Notice to Terminate Essential Air Service at Excursion Inlet, Alaska Order 2002-9-21, the Department extends L.A.B. Flying Service's service obligation at Excursion Inlet, Alaska, for an additional 30 days, through October 30, 2002. Served: 10/01/2002	09/26/2002
2002-9-22	OST-2002-11446	Chautauqua Airlines, Inc. Notice of Intent to Terminate Service at Altoona, PA Order 2002-9-22, the Department extends Chautauqua's service obligation at Altoona and Johnstown, PA, for an additional 30 days, through October 30, 2002. Served: 10/01/2002	09/26/2002
2002-9-22	OST-2002-11451	Chautauqua Airlines, Inc. Notice of Intent to Terminate Service at Johnstown, PA Order 2002-9-22, the Department extends Chautauqua's service obligation at Altoona and Johnstown, PA, for an additional 30 days, through October 30, 2002. Served: 10/01/2002	09/26/2002
2002-9-23	OST-2002-11446	Chautauqua Airlines, Inc. Notice of Intent to Terminate Service at Altoona, PA Order 2002-9-23, the Department selects Colgan Air, Inc. (Colgan), to provide subsidized Essential Air Service (EAS) at Altoona and Johnstown, Pennsylvania, for a two-year period at a combined annual subsidy rate of \$847,576. Served: 10/01/2002	09/26/2002

2002-9-23	OST-2002-11451	<p>Chautauqua Airlines, Inc. Notice of Intent to Terminate Service at Johnstown, PA</p> <p>Order 2002-9-23, the Department selects Colgan Air, Inc. (Colgan), to provide subsidized Essential Air Service (EAS) at Altoona and Johnstown, Pennsylvania, for a two-year period at a combined annual subsidy rate of \$847,576.</p> <p>Served: 10/01/2002</p>	09/26/2002
2002-9-24	OST-1998-4706	<p>Mesa Airlines, Inc., d/b/a America West Express - Ninety-Day Notice for Suspension of Service at Gallup, New Mexico</p> <p>Order 2002-9-24, the Department finalizes its earlier, tentative decision in Order 2002-7-7 to terminate the subsidy eligibility of Gallup, New Mexico, under the essential air service (EAS) program because the subsidy exceeds the \$200 per passenger statutory ceiling.</p> <p>Served: 10/02/2002</p>	09/27/2002
2002-9-25	OST-2002-13002	<p>Aloha Airlines, Inc. and Hawaiian Airlines, Inc. - Antitrust Immunity for Agreement</p> <p>Order 2002-9-25, the Department grants, as conditioned, the joint application of Aloha Airlines, Inc. (Aloha) and Hawaiian Airlines, Inc. (Hawaiian), for approval of, and antitrust immunity for, an agreement between them that would enable the carriers to jointly set the level of capacity that both carriers would offer collectively in the major Hawaiian inter-island markets. The authority is effective through October 1, 2003.</p> <p>Served: 09/30/2002</p>	09/30/2002
2002-9-26	OST-1999-6211	<p>Malaysia Airlines - Foreign Permit - United States - Malaysia</p> <p>Order 2002-9-26, the Department issues Malaysia Airlines an initial foreign air carrier permit to engage in scheduled foreign air transportation of persons, property and mail between Malaysia and the United States pursuant to the bilateral aviation undertakings of the United States and Malaysia.</p> <p>Served: 10/01/2002</p>	08/01/2002

2002-9-27	OST-1998-4798	<p>Air Atlanta-Icelandic - Foreign Permit/Renewal - Iceland-United States</p> <p>Order 2003-9-27, the Department (1) issues Air Atlanta-Icelandic and Kuwait Airways foreign air carrier permits; (2) and grants all motions and requests to file documents out of time, to submit additional or supplementary materials, and to withdraw pleading,(3) grants the motion of Air Atlanta-Icelandic for confidential treatment of its financial data summaries; and, (4) to the extent not granted, the applications and all motions and other request in the docket are denied.</p> <p>Served: 10/01/2002</p>	07/22/2002
2002-9-27	OST-2001-9455	<p>Kuwait Airways Corporation Foreign Permit - State of Kuwait-United States</p> <p>Order 2003-9-27, the Department (1) issues Air Atlanta-Icelandic and Kuwait Airways foreign air carrier permits; (2) grants all motions and requests to file documents out of time, to submit additional or supplementary materials, and to withdraw pleadings (3) grants the motion of Air Atlanta-Icelandic for confidential treatment of its financial data summaries; and, (4) to the extent not granted, the applications and all motions and other request in the docket are denied.</p> <p>Served: 10/01/2002</p>	07/22/2002
2002-10-1	OST-2002-12417	<p>Multi-Aero, Inc. d/b/a Air Choice One - Commuter Air Carrier Operations</p> <p>Order 2002-10-1, the Department finds that Multi-Aero, Inc. d/b/a Air Choice One, is fit, willing, and able under 49 U.S.C. Section 41738 to provide scheduled passenger service as a commuter air carrier using small aircraft pursuant to Part 135 of the Federal Aviation Regulations, and, Issues a commuter Air Carrier Authorization to Multi-Aero, Inc. d/b/a Air Choice One, subject to the Terms, Conditions and Limitations.</p> <p>Served: 10/01/2002</p>	10/01/2002

2002-10-3	OST-2002-13299	<p>2002 U.S.-Mexico All-Cargo Exemption Service Case Order 2002-10-3, the Department denies the motion of Express.Net Airlines, LLC (Express.Net) to dismiss the applications of Atlas Air Cargo, Inc. (Atlas) and Gemini Air Cargo, Inc. (Gemini), in the 2002 U.S.-Mexico All-Cargo Exemption Service Case (Docket OST-2002-13299). Served: 10/02/2002</p>	10/02/2002
2002-10-4	OST-2002-13299	<p>2002 U.S.-Mexico All-Cargo Exemption Service Case Order 2002-10-4, the Department dismisses as moot the motion of Express.Net Airlines, LLC (Express.Net) for confidential treatment of its schedule and traffic exhibits filed in the 2002 U.S.-Mexico All-Cargo Exemption Service Case). Served: 10/03/2002</p>	10/03/2002
2002-10-5	OST-2002-13511	<p>Condor Flugdienst GmbH Statement of Authorization Order 2002-10-5, the Department denies a request by Condor Flugdienst GmbH (Condor), a foreign air carrier of Germany, for a statement of authorization under 14 CFR Part 212 of the Department's Regulations to operate a 400 roundtrip flight fifth-freedom passenger charter program. Served: 10/03/2002</p>	10/03/2002

2002-10-6	OST-2001-11029	<p>U.S. - U.K. Alliance Case</p> <p>Order 2002-10-6, the Department (1) amends a condition in Order 2002-4-4, to its grant of approval and antitrust immunity for alliance agreements between and among United Air Lines, Inc., British Midland Airways Limited d/b/a bmi British Midland, and various affiliates of these carriers, (2) the action in that order currently makes the approval and antitrust immunity subject to the condition (among others) that the United States achieve by October 4, 2002, an Open Skies agreement with the United Kingdom that meets U.S. aviation policy objectives, (3) the action in this order extends that October 4 deadline through December 31, 2002, and, in taking this action, grants in part a Motion filed on September 13, 2002, by the conditionally immunized carriers, requesting that we extend this deadline.</p> <p>Served: 10/03/2002</p>	10/03/2002
2002-10-7	OST-2002-12260	<p>American Trans Air, Inc. vs. Hotwire - Complaint - Unfair and Deceptive Methods of Competition in Violations of 49 U.S.C. 41712</p> <p>Order 2002-10-7, the Department (1) approves the settlement and the provisions of this order as being in the public interest, (2) finds that Hotwire, Inc., violated 14 CFR 399.80(c) and (f) by advertising fares in a series of radio advertisements which failed to state the origin and destination point of the markets to which the fares applies, (3) finds that by engaging in the conduct described in paragraph 2, Hotwire, Inc. violated 49 U.S.C. Section 41712, (4) Hotwire, Inc., its successors, affiliates, and assigns, are ordered to cease and desist from further similar violations of 14 CFR 399.80 and 49 U.S.C. Section 41712,</p> <p>Continued:</p>	10/04/2002

Continued:

2002-10-7	OST-2002-12260	(5) dismisses the complaints filed by American Trans Air, Inc. (OST-2002-12260) and Frontier Airlines, Inc. (OST-2002-12333), and, Hotwire, Inc., is assessed \$50,000 in compromise of civil penalties that might otherwise be assessed for the violations described in ordering paragraphs 2 and 3, of which \$25,000 shall be due and payable within 15 days of the service date of this order. The remainder of the penalty shall be suspended for one year following the service date of this order and then forgiven, provided that Hotwire complies with the payment terms of this order, as well as its cease and desist provisions, during the suspension period; if it fails to do so, the entire unpaid balance of the penalty shall become due and payable immediately, and Hotwire may be subject to further enforcement action.	10/04/2002
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Served: 10/04/2002

2002-10-7	OST-2002-12333	Frontier Airlines, Inc. v. Hotwire Complaint - Unfair and Deceptive Methods of Competition in Violation of 49 U.S.C. 41712 Order 2002-10-7, the Department (1) approves the settlement and the provisions of this order as being in the public interest, (2) finds that Hotwire, Inc., violated 14 CFR 399.80(c) and (f) by advertising fares in a series of radio advertisements which failed to state the origin and destination point of the markets to which the fares applies, (3) finds that by engaging in the conduct described in paragraph 2, Hotwire, Inc. violated 49 U.S.C. Section 41712, (4) Hotwire, Inc., its successors, affiliates, and assigns, are ordered to cease and desist from further similar violations of 14 CFR 399.80 and 49 U.S.C. Section 41712,	10/04/2002
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2002-10-7	OST-2002-12333	(5) dismisses the complaints filed by American Trans Air, Inc. (OST-2002-12260) and Frontier Airlines, Inc. (OST-2002-12333), and, Hotwire, Inc., is assessed \$50,000 in compromise of civil penalties that might otherwise be assessed for the violations described in ordering paragraphs 2 and 3, of which \$25,000 shall be due and payable within 15 days of the service date of this order. The remainder of the penalty shall be suspended for one year following the service date of this order and then forgiven, provided that Hotwire complies with the payment terms of this order, as well as its cease and desist provisions, during the suspension period; if it fails to do so, the entire unpaid balance of the penalty shall become due and payable immediately, and Hotwire may be subject to further enforcement action.	10/04/2002
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Served: 10/04/2002

2002-10-7	OST-2002-12273	Economic Enforcement Consent Orders - 2002 Order 2002-10-7, the Department (1) approves the settlement and the provisions of this order as being in the public interest, (2) finds that Hotwire, Inc., violated 14 CFR 399.80(c) and (f) by advertising fares in a series of radio advertisements which failed to state the origin and destination point of the markets to which the fares applies, (3) finds that by engaging in the conduct described in paragraph 2, Hotwire, Inc. violated 49 U.S.C. Section 41712, (4) Hotwire, Inc., its successors, affiliates, and assigns, are ordered to cease and desist from further similar violations of 14 CFR 399.80 and 49 U.S.C. Section 41712,	10/04/2002
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2002-10-7	OST-2002-12273	(5) dismisses the complaints filed by American Trans Air, Inc. (OST-2002-12260) and Frontier Airlines, Inc. (OST-2002-12333), and, Hotwire, Inc., is assessed \$50,000 in compromise of civil penalties that might otherwise be assessed for the violations described in ordering paragraphs 2 and 3, of which \$25,000 shall be due and payable within 15 days of the service date of this order. The remainder of the penalty shall be suspended for one year following the service date of this order and then forgiven, provided that Hotwire complies with the payment terms of this order, as well as its cease and desist provisions, during the suspension period; if it fails to do so, the entire unpaid balance of the penalty shall become due and payable immediately, and Hotwire may be subject to further enforcement action. Served: 10/04/2002	10/04/2002
2002-10-8	OST-2002-12496	Notice - U.S. Vietnam Third Country Code-Share Opportunity Order 2002-10-8, the Department makes final the tentative awards set forth in Order 2002-8-20, award American Airlines, Inc. (American) six weekly frequencies and United Air Lines, Inc. (United) one additional weekly frequency to conduct third-country code-share services between the United States and Vietnam, and grant American the necessary regulatory authority to perform its code-share services. Served: 10/04/2002	10/04/2002

2002-10-9

OST-2002-
12358

**M & N Aviation, Inc. - Commuter
Air Carrier - Scheduled
Passenger Operations**

10/04/2002

Order 2002-10-9, the Department finds that M&N Aviation, Inc., is fit, willing, and able to engage in scheduled passenger service as a commuter air carrier using small aircraft pursuant to Part 135 of the Federal Aviation Regulations, and, issues a Commuter Air Carrier Authorization to M&N Aviation, Inc. subject to the Terms, Conditions, and Limitation attached.

Served: 10/04/2002